



Attorney Docket No.: 1671/003

1654

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
JAN 21 2004
TECH CENTER 1600/2900

Applicant: Mark J. Weiser

Serial No.: 09/773,756

Filed: February 1, 2001

For: **ANIMAL SCENT BASED REPELLANT
AND ATTRACTANT COMPOSITIONS**

Group Art Unit: 1654

Examiner: Susan Coe

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action mailed on December 30, 2003, the Examiner stated that the claims are directed to the following patentability distinct species:

A) specific carrier material composition selected from one or more of zeolite, calcium carbonate, magnesium carbonate, vermiculite, sawdust, small particles of wood, potting soil, peat moss, topsoil, limestone, small particles of rock, sand, sodium bicarbonate,

I, Philip E. Levy, hereby certify that this correspondence and all documents indicated as being provided therewith are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

January 14, 2004

Date of Deposit

Philip E. Levy
Signature

activated charcoal, crushed seashells, silica, psyllium husks, wax, corn starch, salt, clay, talc, magnesium stearate, natural sponge, seeds, grains, ground corn cob, gypsum, straw, hay, and mulch;

B) specific animal product composition selected from one or more of urine, feces, or glandular secretions.

The Examiner required an election of species for both A and B. Applicant elects for prosecution A): calcium carbonate, and B): animal urine. Applicant submits that claims 11, 12, 13, 16, 17, 18, 19, 20 and 21 read on the elected species.

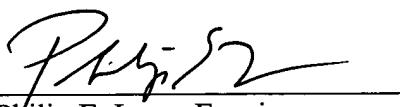
No extension of time is believed to be necessary for consideration of this Response. In the event that an extension is deemed to be necessary, Applicant hereby petitions for such an extension. The Commissioner is authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 50-0525. A duplicate copy of this sheet is enclosed.

In the event that a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,

METZ LEWIS LLC

By:


Philip E. Levy, Esquire
Reg. No. 40,700
11 Stanwix Street, 18th Floor
Pittsburgh, Pennsylvania 15222
Attorneys for Applicant

(412) 918-1100

activated charcoal, crushed seashells, silica, psyllium husks, wax, corn starch, salt, clay, talc, magnesium stearate, natural sponge, seeds, grains, ground corncob, gypsum, straw, hay, and mulch;

B) specific animal product composition selected from one or more of urine, feces, or glandular secretions.

The Examiner required an election of species for both A and B. Applicant elects for prosecution A): calcium carbonate, and B): animal urine. Applicant submits that claims 11, 12, 13, 16, 17, 18, 19, 20 and 21 read on the elected species.

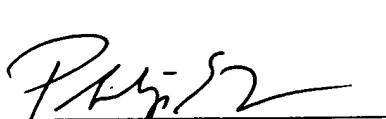
No extension of time is believed to be necessary for consideration of this Response. In the event that an extension is deemed to be necessary, Applicant hereby petitions for such an extension. The Commissioner is authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 50-0525. A duplicate copy of this sheet is enclosed.

In the event that a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,

METZ LEWIS LLC

By:


Philip E. Levy, Esquire
Reg. No. 40,700
11 Stanwix Street, 18th Floor
Pittsburgh, Pennsylvania 15222
Attorneys for Applicant

(412) 918-1100